FIGHTING THE "BLIGHT"

(Or Urban Resistance to Authoritarian Social Change)

by

A VETERAN OF NEWARK'S BLIGHT WARS OF THE 1950's AND 1960's

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Prelude. Anyone going into a fight against a blight declaration should get rid of all illusions. This is an uphill fight all the way. The courts have always upheld blight declarations except for conflict of interest. They have upheld New Jersey's blight statutes. The areas designated are always labeled blighted. The press and the whole weight of the downtown power structure is against you. The belly-crawlers and the sell-outs are against you, even if they only keep away and not actually speak in support of the blight declaration. Finally, even people within the area - tenants, homeowners, small business people - may be sick and tired of the whole shebang and just want out.

Why fight on? Don't we all want slums cleared out, firetraps demolished, people to live better, poor people, the down and outers? (Some of us may not; some revel in the slum ghetto and romanticize it but the facts of life are proving otherwise. The slum sixties are not producing the power we thought they would in 1962-3-4.) Sure we do, but Newark's urban renewal program is not doing these things; and that is why we are fighting. To slow down the steamroller and the bulldozer, to gain time, to force changes that will benefit the people, to get a voice in what's going on, a real voice. And hopefully, through proper work and organization, to gain the power - political power - to sit in the right places and make the right decisions for the people who've always been on the short end. The "Blight" Hearing is not the place to begin, these steps should be under way long before. But the Hearing still offers an oppoertunity for mobilizing the people, for showing strength, if we have it, and for gaining time and perhaps even concessions.

1. The Significance of the "Blight" Hearing. The blight hearing is required by New Jersey law and by the Federal Government as part of any urban renewal procedure before funds will be allocated and the taking of property can beauthorized, and before any concrete plan for redevelopment can be submitted for funding. There must be a finding of "blight" by the Planning Board (or similar agency) and then by the Governing Body, in Newark's case the City Council (see Section 8 below). This is the legal aspect.

Politically and socially the hearing has other meanings. It offers the first of many opportunities by the people to show their strength and voice their opinions on what the officials are planning to do. Usually these hearings have been the largest show of strength; things fizzle out afterward. But it is what happens afterward that makes the difference between success and victory. The basis for what happens afterward is laid at the hearing. Thus the strength of the objectors and the force and fact of their argument sets the political and legal atmosphere in which what happens afterward is enclosed.

Also, the community will be watching the hearing. If it is a success from our viewpoint, the energy and commitment to continue will be forthcoming; if it fails, you can break your neck without results in trying to follow up.

This significance was properly recognized at the historic hearing on the Central Ward-Clinton Hill Light Industrial Plan in June 1961 by the forces of then Congressman Hugh Addonizio. Not only was his chief lieutenant Norman Schiff in the crowded audience but his chief Negro front-lady Larrie Stalks spoke, ostensibly in behalf of the Newark NAACP. She said, among other things: "...this is a form of coercion which violates the basic democratic concepts and freedom of movement... people are beginning to wonder that perhaps this is a diabolical scheme to drive Negroes out of Newark which of course would have serious implications now and in the future... we do not want to live in slums, but we do want freedom of movement and the right to live where we choose." Viva!

A massive resistance and show of strength at upcoming blight hearings cannot fail to have serious implications not only in Newark politics but state-wide as well.

2. The Psychology of the "Blight" Declaration. One has to have lived through blighting procedures to appreciate the sickness in the heart, the depression, the fears they usually produce. Long before the hearing itself, your home has been invaded by "surveyors" from the Housing Authority and from City Hall (has anyone ever denied them entry.); and if you aren't home, they fill out their reports anyway according to ground rules set by the officials themselves and not based on any recognized standards by any recognized agency (American Institute of Planners, American Public Health Association, Urban Land Institute, etc.).

These forms of psychological warfare by officialdom are reinforced by all sorts of publicity from various groups fronting for the establishment. They range from trade unions, medical societies, Rotary and other downtown commercial-fraternal groups, the Chamber of Commerce, Urban League, andindividuals who in one way or another are dependent upon the establishment for daily bread. All hossanah the grand and glorious plan-to-be and call for "stern sacrifices" so "the whole community can benefit." The prostituted daily press, bribed by urban renewal land and partner in the elitist stranglehold on power downtown, finds all sorts of reasons why things should go smoothly. Typical is an editorial in the Newark News of Dec. 8, 1966, which wraps things up with, "There can be no denying the medical college would do much for Newark. Yet Newark would do even more for the college."

It is therefore an uphill fight to bring home to site residents that they do have rights, that nothing is yet final, that many hearings and procedures lie ahead, that resistance can mean delay; that delay means leverage, power; that power compels change. Because of the deadline-timetable for the Medical College project, any sort of substantial delay can bring the elite to the bargaining table; it can hearten the psychology of the community forces and turn psychological warfare against those who started it.

The "blight" hearing is an essential frontline in this psychological confrontation. It can create doubts over inevitability; it can lay the groundwork for future battles.

3. What Happens at the Hearing? At the hearing, the Planning Board (and later the City Council) sits up front, behind a table or on a dais. They usually have microphones and can interrupt speakers to ask questions or make comments. In front of them are stenographers, perhaps the city planning officer, the city clerk, and other officials. The audience sits facing them and the overflow stands around or goes up to the balcony. The police may try to prevent standing room or else keep the overflow out in the hallway. Anyone denied entry to the hearing room is being denied his right to attend and to speak. If the room is to small, the meeting should be adjourned to a larger room until everyone can be accommodated. (There are advantages and disadvantages to a large-enough room as the second Mann hearing demonstrated.)

Officials will probably walk up and down the aisles before the hearing begins, or after it opens, circulating slips of paper for persons who want to speak to sign. If someone enters late and wants to speak, he should go up front and request that his name be added to the list. Persons signing up must be prepared to stay until their turn is called, no matter how late; if they are not present, they forefeit their right to speak.

Persons may also write in advance to the Executive Secretary, Newark Central Planning Board, requesting to speak (or to the City Clerk when the City Council hearing takes place.). All persons desiring to speak and present are entitled by law to a hearing. One need not be (1) a resident of Newark (2) a property owner (3) employed at the time,

to speak. Only a citizen. Or one may send in his objections in writing - or speak and write - and demand that they be made part of the record, asking for an acknowledgement from the Planning Board.

The hearing usually begins promptly. Be on time. Be ahead of time. Get a seat. Officials may be instructed to get there early and fill the seats. We must get there earlier. A command post should be reserved; that is, a block of seats, perhaps 8-10 bunched together in several rows, where the leadership of the community resistance can communicate easily and make swift decisions. Runners should be assigned to hover nearby to deliver messages. Legal counsel and other experts should be close by.

Leaflets can be prepared for distribution to persons enter the meeting room. They should give the essentials to prospective speakers, list the main points of objection, tell people what their rights are, indicate where one may get information on follow-up action afterward. Various forms of activities of these and other sorts should of course be worked out carefully beforehand.

The hearing may last beyond midnight; the Planning Board will try to cut it off. The chairman will say, "Please be brief. Everyone will have a turn, but don't repeat what others have said. In fact, if there are any objectors who want to be registered now please stand and that will save you time and all of us time." Baloney!

The more speakers the better; the longer the hearing the better; the longer people stay put the better. The hearing may not be concluded until the last speaker has finished; but it can be adjourned till another time if it gets toolate. In that case, the time and place must be publicly announced in advance.

5. Rights of Speakers. Speakers have rights. But they must stand up for them and get audience support. The hearing is quasi-legislative; therefore the usual protections of a court of law (testimony under oath, cross-examination, etc.) do not apply. But the courts have insisted, nonetheless, that these administrative type hearings meet certain standards of conduct, certain fundamental elements of fair play, that the hearing be full, fair, and objective. (N.J.S.A. 40.55-21.6; Wilson vs. Long Branch, 27 New Jersey 360; Norweigian Nitrogen Products versus the United States, 288 UK 294)

Accordingly, a speaker may speak as long as he wants so long as he sticks to the subject. Accordingly, he must be free from harassment while he speaks. Accordingly, he has the right to refer to prior testimony and to demand access to written evidence presented to the Planning Board but not made available to the audience. He should be prepared, however, to be called in turn determined by the Planning Board chairman, and alledegdly in the order his name was submitted. He should be prepared to sit through at least one hour's prior testimony by officials from the Newark Housing Authority, from the Police, Fire, and Welfare Departments, and from other official groups and bodies, who will present "evidence" that the areas are "blighted" and that it would be a blessing if they were demolished. In these hearings the testimony of the officials always has come first and we have no reason to believe that procedure will vary. Long hours of waiting tire out the audience, put people to sleep, give the impression of overwhelming strength, and force people who have to go to work next day to leave the hearing before it is over. A strategy for successfully meeting these tactics and for properly using this time interval should be devised.

6. What a Statement Should Say. When you get up front to that microphone, make sure it is adjusted to your height and that you can be heard all over the room. Wait till every official up front is awake and listening to you; otherwise he cannot get the benefit of your wisdom. Give your name and address and organization if you speak for one.

Do not admit that the area is blighted. This would be an error. First, you probably don't know what "blighted" means (today, in fact, it is called not "blighted" but "an urban renewal area" because "blight" didn't sound so good) and they don't either. Second, that is what they are trying to prove (the chairman will say, "All we are here for is to determine whether the area is or is not blighted; that's all."). Why play into their hands. Someone will say, "The wholecity's blighted." Maybe so; that's what they would like to do if they had the money and power. Why help them out?

Instead deny that the area is blighted. Claim that no area so large can be blanketed with such a designation and have any real meaning. Attack the arbitrary selection of the area, tailored to meet special needs. Criticize the city agencies that have neglected their jobs, allowed slumlords to operate without penalty; attack the thousands of commuter cars that speed through all day, endangering children's lives, making it difficult to cross a street, spewing carbon monoxide; that a state and city government which permit this are the real parties to be indicted, not the people living in the area.

Attack the medical college idea. Criticize the assumption that it will help the people. Point to the rising taxes, rents, prices of everything. Point out that this proceeding will stimulate rent gouging elsewhere; that there isn't enough housing to go around now, that large pieces of land are lying open and idle, becoming garbage dumps, right in the heart of the city - while the city is going ahead even more. Attack the Planning Board for violating its own Master Plan, which had nothing in it about a medical college when the Master Plan was updated two years ago.

Point out the political nature of the plan: Boost the mayor's prestige. Cut down the Negro population; reduce social welfare costs while favor ing Jim Crow construction trade unions, political patronage, kick-backs to the same bidders and winners of bids on all government construction projects in Newark.

Expose the discriminatory nature of the hearing and of the plan. The tokenism on the Planning Board, on the Housing Authority, on the Medical College Board of Trustees. Call the project directly aimed at the political rights of Newark's minority groups. Point out the lack of real community involvement, the high-level, closed-door decision-making, the lack of democracy, a violation of the First, Fifth, Ninth, and Fourteenth Amendments.

Demand to see all written evidence presented to the Board. Ask when and where it will be made available. Attack the fairness of the hearing proceedings. If you plan follow-up action, perhaps hint at it; do not threaten what you cannot carry out. Call the proceedings an unwarranted taking of property without due process; that values will be affected, living costs will change, personal safety and freedom of movement will be affected adversely by the hearing and the proceedings - all without due process.

Talk as long as you have to. You will not get another chance to speak; but you may submit a written statement at that time or soon after to be entered into the record.

7. The Audience. Many people in the audience will not speak. They can play an active role. Leaflets handed out before they enter can suggest these roles to people. Briefing beforehand also will help. The psychological reaction of the audience will be one of the key factors, not perhaps affecting the Planning Board's decision, but certainly the elected politicians will pay heed, and also Federal and State officials. Each member of the audience will go out and tell what happened in the community. The audience should keep its seats as long as possible. Absence of an audience weakens impact.

9. What Happens Next? After the last speaker has been heard the chairman will close the meeting and announce that "decision is reserved so the Planning Board can review the testimony." This is baloney because their minds are made up already. But they must give a show of objectivity. Perhaps in two weeks there will be another meeting. This meeting will get little publicity; they don't want an audience. But we must be there.

Before that meeting the written evidence should be examined as demanded by objectors. Any additional arguments must be submitted in writing speedily to the Planning Board. Only evidence presented at the Hearing can be cited later in court. After it announces that it has found the area "blighted" the Planning Board will send its resolution to the City Council, which must act within 30 days.

The City Council meeting is the next decisive public theater of action. Assuming the Planning Board announces its decision by mid-June if not earlier; the City Council will therefore pass on the "blight" at its June 21 meeting or its July 12 meeting. Later than that would violate the 30-day requirement; unless it held a special meeting.

Another strategy is required for the City Council meeting, but the essential principles outlined above still hold. Here are some important differences: (There

is no hearing at the City Council meeting. "Blight" is usually declared by Resolution; there is no hearing on Resolutions. Unless this time it is done by Ordinance, but that would require strong inner support for this on the Council. On Resolutions, speakers may talk only under "Hearing of Citizens" and for only 10-minutes unless the Council grants an exception. Speakers should write in advance to the City Clerk asking to be heard under "Hearing of Citizens"; or they may give in their names in advance of the meeting that night. The audience should also be instructed to hold their seats until the Resolution comes up for a vote later that evening, even if all speakers have finished.

The Council will probably vote on the Resolution that night; some, fearing to face a large and hostile audience, may move to defer action. If so, they may announce their decision at any time thereafter, calling themselves into emergency session when no one is around.

The objectors have 30 days after the Council has acted in which to file suit to overturn the actions of the Planning Board and City Council. After that 30 days, legal action on the "blight" declaration is impossible.

However, there still remain hearings and similar (but not identical) proceedings on the Re-use Plan, on amendments to the Plan, on the Master Plan, and on Zoning Changes that the Medical College project will require. The City Will attempt to speed up all these hearings, which usually take weeks and months to prepare, in order to meet its March, 1968, deadline and deliver cleared land to the Trustees of the Medical College.

Conclusion. The morale, facts, arguments, and proceedings employed by the community at the "blight" hearing will have a powerful long-range effect upon all future actions taken in connection with the Medical College and other urban renewal projects in Newark. Haphazard, slip-shod, superficial plans, or non-plans, can thwart successful future action. That is, if we believe that the struggle has only just begun.

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